

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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SHAW FAMILY ARCHIVES, LTD., EDITH :
MARCUS and META STEVENS, :
:
Plaintiffs, : Case No. 05 Civ. 3939 (CM)
:
-against- : Hon. Colleen McMahon
:
CMG WORLDWIDE, INC. and MARILYN :
MONROE LLC, :
:
Defendants. :
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DECLARATION OF PAULA K. COLBATH

PAULA K. COLBATH, pursuant to 28 U.S.C. § 1746, declares as follows:

1. I am a member of the firm Loeb & Loeb LLP, attorneys for defendant Marilyn Monroe LLC ("MMLLC") in this matter. I am admitted to practice before this Court and respectfully submit this declaration in opposition to Plaintiffs / Consolidated Defendants Shaw Family Archives, Ltd. ("SFA"), Bradford Licensing Associates, Edith Marcus and Meta Stevens (collectively, "Plaintiffs") motion for a bond pursuant to Local Rule 54.2.
2. Attached as Exhibit A hereto is a true and correct copy of the Declaration of Ros Bismead dated April 11, 2007, originally filed in this litigation on April 14, 2007 in connection with earlier summary judgment motions.
3. Only four (4) depositions were taken in this action. MMLLC took the deposition of Melissa Stevens, SFA's 30(b)(6) witness (on December 17 and 27, 2007). Plaintiffs have taken the following depositions: David Strasberg (on December 20, 2007); Mark Roesler (on December 26, 2007); and Anna Strasberg (on January 4, 2008).

4. During the course of discovery in this action, MMLLC produced and/or made available to Plaintiffs approximately 75,000 pages of documents. Plaintiffs have produced approximately 1400 pages of documents, many of which appear to consist of copies of publicly available court papers pertaining to the Estate of Marilyn Monroe.

5. On November 28, 2006, the parties participated in a discovery hearing before Magistrate Judge Mark. D. Fox in White Plains, New York. At the hearing, Magistrate Judge Fox denied Plaintiffs' request that Defendants be compelled to produce documents pertaining to their legislative lobbying activities.

6. On December 26, 2007, the parties attended a second discovery hearing in White Plains before Magistrate Judge Fox. Attached as Exhibit B hereto is a true and correct copy of the transcript of the December 26, 2007 discovery hearing.

7. On October 10, 2007, soon after my firm became involved in this litigation, I participated in a meeting with Plaintiffs' attorneys (David Marcus and Christopher Serbagi) to discuss the status of the case. During that meeting, Messrs. Marcus and Serbagi told me that their attorneys' fees for the litigation thus far were approximately \$900,000, a portion of which had been paid by Plaintiffs' insurance carrier.

8. Attached as Exhibit C hereto is a true and correct copy of excerpts from the deposition of the SFA's Rule 30(b)(6) witness, Melissa Stevens.

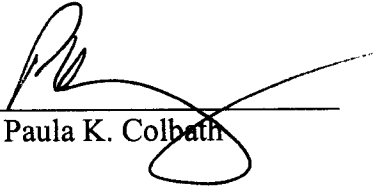
9. Attached as Exhibit D hereto is a true and correct copy of a transcript of settlement hearing in the case *Edith Marcus Shaw and Meta Shaw Stevens, as Temporary Administrators of the Estate of Sam Shaw v. Martin Bressler, et al.* Index No. 123783/94 (N.Y. Cty. Sup. Ct.) dated June 5, 2002.

10. Attached as Exhibit E hereto is a true and correct copy of a Complaint dated September 15, 1994 filed by Sam Shaw in the case *Sam Shaw v. Martin Bressler, Larry Shaw, Susan Shaw, Bressler & Bressler, Valerie Goodman, 1912 Productions, Inc., Marc Weinstein individually and d/b/a Color Group.*, Index No. 123783/94 (NY. Cty. Sup. Ct.).

11. Attached as Exhibit F hereto is a true and correct copy of the Declaration of Christine Sovich (without exhibits thereto) dated March 13, 2008, originally filed in this litigation in opposition to Plaintiffs' motion for summary judgment on the issue of domicile.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 2nd day of April, 2008, in New York, New York.



Paula K. Colbath